

REMARKS/ARGUMENTS

Reconsideration is respectfully requested of the Office Action of August 26, 2004.

A petition for a one-month extension of time, together with the associated fee is filed herewith.

A substitute specification will be filed in due course to address all issues raised in the Office Action. No new matter is presented.

Replacement drawings for Figs. 6, 9 and 11 are filed herewith (in informal form). Formal Replacement drawings will be filed upon an indication that the Replacement drawings submitted herewith are otherwise acceptable as to content.

With the cancellation of Claims 1 and 5, the rejections of these claims has been rendered moot.

The indication of allowable subject matter in the Office Action is noted with appreciation. New Claim 6 corresponds to the combination of original Claims 1 and 2; and, new Claim 7 corresponds to the combination of original Claims 1, 3 and 4. It is therefore believed that new Claims 6 and 7 are in immediate condition for allowance.

New Claims 8 and 9 are based on original Claim 5 and are dependent on new Claims 6 and 7, respectively. Hence, new Claims 8 and 9 are submitted to be in immediate condition for allowance.

New Claims 10 and 11 (Figs. 5 and 6) define the controller for judging an optical irregularity occurred on a monitored image by taking the fail-safe measure. The fail-safe measure is taken when a fail-safe measure requirement using a first parameter is met on the

monitored image for a predetermined first period. The fail-safe measure is interrupted when a fail-safe measure-release requirement using a second parameter is met within a predetermined second period after the fail-safe measure requirement has been met.

The first and the second periods disclosed in *Akita* (US 6,282,478) are used in determination of a deviation of a vehicle with increase in brake pressure. There is no disclosure or teaching in *Akita* about judgment of an optical irregularity occurred on a monitored image, as defined in the new claims.

It is therefore believed that new Claims 10 and 11 are not anticipated by *Akita* under 35 U.S.C. § 102(a).

The rejection of Claim 3 under 35 U.S.C. § 103(a) as unpatentable over *Akita*, further in view of *Sato* (US 5,555,555) is traversed and reconsideration is respectfully requested.

Claim 3 is now amended to be dependent on Claim 10 and as pointed out above, new Claim 10 clearly distinguishes from the cited *Akita* patent. No *prima facie* obviousness of Claim 3 has been established by the Office Action. The Office Action fails to state any reason, suggestion or motivation for a person skilled in the art to combine *Akita* with *Sato*. Therefore, the rejection is not well considered and should be withdrawn.

For reasons set forth above, applicants submit that application is in condition for allowance.

App. No. 09/902,768
Amend. dated Dec. 22, 2004
Resp. to Office Action of Aug. 26, 2004

Favorable action at the Examiner's earliest convenience is respectfully requested.

Respectfully submitted,

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LIT889398.1